

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION

Mary Teresa Doherty,

PLAINTIFF

v.

State Farm Fire & Casualty Company;  
and Jay Killen Insurance Agency, Inc.,

DEFENDANTS

Case No. 0:19-211-TLW

**Order**

This matter is before the Court for review of the magistrate judge's Report and Recommendation (Report) regarding Defendants' motion to dismiss this case based on Plaintiff's alleged failure to comply with discovery and a court order. The Court notes that the magistrate judge analyzed Defendants' motion to dismiss in detail. In the Report, the magistrate judge also raised the issue of the Court's subject matter jurisdiction over this case. *See* ECF No. 41 at 11 n.2. However, this issue was not addressed in detail in the Report. The Court concludes that it would be appropriate for the magistrate judge to prepare a Report and Recommendation on this issue, as the magistrate judge previously directed the parties to brief this issue and they have done so. ECF Nos. 14, 16, 17. The Court does not make a determination as to whether further briefing will be required, but will leave that determination to the magistrate judge.

Accordingly, this matter is **REMANDED** to the magistrate judge for preparation of a Report and Recommendation analyzing whether the Court has

subject matter jurisdiction in this case.

**IT IS SO ORDERED.**

*s/ Terry L. Wooten*

Terry L. Wooten

Senior United States District Judge

April 14, 2020

Columbia, South Carolina